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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 826 of 2003.

PETITIONER : Budhan Ram son of Bahira Ram, aged about 42 years, Sarpanch, Gram Panchayat Ghutgaon, District Jashpur-Nagar (Chhattisgarh).

VERSUS

RESPONDENTS :

1. Chief Executive Officer
   Janpad Panchayat Farsabahar
   District Jashpur Nagar.

2. Sub Divisional Officer (Revenue)
   Kunkuri District Jashpur (C.G.).

3. Board of Revenue of Chhattisga-rh
   through its member Bilaspur.

P. R. No. 68/03
Presented by Shri Pankaj Agrawal
dated 03.03.03

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PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

Details of petition

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 826/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

7-5-2003

Shri H.B. Agrawal, Adv. for the petitioner.

Shri Ranbir Singh, Govt. Advocate appears for the State.

I.A. No. 2101/2003 for urgent hearing is allowed.

The petitioner was Sarpanch and he was removed from the office of Sarpanch by respondent No. 2 the Sub-Divisional Officer. He preferred appeal and the Additional Collector, Jashpur, granted stay vide Annexure P-6. However, the said appeal was dismissed on 24-4-2003 against which, the petitioner filed revision along with application for stay before the Commissioner. During the pendency of the revision, the post of Commissioner was abolished and the matter was taken up by respondent No. 3, the Board of Revenue of Chhattisgarh where the matter is still pending. He filed copies of the order sheets from 22-5-2001 to 9-12-2002 vide Annexure P-10. It is submitted that though the matter was taken up by the respondent No. 3, yet it has not decided the stay application since 22-5-2001 and even the record has not yet been called for, after abolition of post of Commissioner and the matter remained undecided till then.

The application is pending since 22-5-2001. Practically 1 year and 10 months have been passed. The application ought to have been heard by the Commissioner where the

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application was filed. Order sheets show that record was not received in spite of reminders. The Court concerned, which was required to send the record, ought to have sent it. Non-sending the records in due time and delay in it gives no credit and causes delay in the administration of justice. Even otherwise after constitution of the Board, the order sheets show that allocation has not been done. If not done, it should be done immediately. This Court appreciates that there may be difficulty as the Board of Revenue has been newly constituted in the State and suddenly State decided to abolish the posts of Commissioners in the State but nevertheless, matters which have not been heard even by Commissioner even on stay need urgent hearing. The difficulties, if any, faced by the Board be taken up and solved by the Chairman and if there is any difficulty, it be sorted out by those who are concerned and this Court accordingly hopes that it will be done expeditiously.

So far as the case in hand is concerned, in view of the facts and circumstances, the records be requisitioned forthwith and non-sending be considered on administrative side forthwith. The roster be prepared and if there is difficulty, the President, Board of Revenue may either hear himself or allocate to other person in such a way that the

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matter is heard expeditiously as in the opinion of this Court, the matter regarding stay deserve urgent hearing and be heard as early as possible preferably within 15 days from the production/receipt of certified copy of this order. It is open to the Presiding Judge/Officer to hear the stay application immediately or hear the matter finally as the situation warrant. It is for him to exercise jurisdiction in accordance with law.

Subject to what has been stated above, this petition is disposed of.

Consequently, M.W.P. No. 718/2003 stands disposed of.

Copy to Board of Revenue. Copy to State counsel.

Certified copy as per rules.

Compliance Report be sent by Board/Jawadi Chambers

Sd/-
Fakhruddin
Judge

Pathak

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